

JOHN F. CORCORAN, CLERK
BY: *D. B. [Signature]*

By: Samuel G. Wilson
United States District Judge

Case 7:04-cr-00128-MFU Document 174 Filed 02/02/07 Page 1 of 2 Pageid#: 398

grams or more of cocaine.”

Counsel wrote the Clerk of Court requesting that a judgment order be corrected, noting : “an error was found in the judgment order. Mr. Johnson specifically pleaded guilty to cocaine only and not cocaine base which is indicated in counts one, seven, and eight of the court’s statement.” The clerk docketed the latter as a motion to amend the judgment.

II.


Rule 36 of the Fed.R.Crim.P. provides that “the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” With that in mind, the court grants the motion in part and denies in part.

The court grants the motion as to the judgment order’s description of count seven to reflect that the offense was distribution of cocaine, not cocaine base. However, Johnson pled guilty to a conspiracy that had two objectives distribution of cocaine and distribution of cocaine base. Although he was held accountable only for cocaine, the court’s judgment order accurately describes count one. The judgment order also accurately describes count eight as possession with intent to distribute cocaine.

III.

For the foregoing reasons, it is **ORDERED** and **ADJUDGED** that Johnson’s motion in part and denies in part.

ENTER: This February 2, 2007.


UNITED STATES DISTRICT JUDGE